

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YELENA ANTIPOVA,

Plaintiff,

-V-

CAREMOUNT MEDICAL P.C. *et al.*,

Defendants.

21 Civ. 7453 (JPC) (BCM)

ORDER ADOPTING REPORT AND RECOMMENDATION

JOHN P. CRONAN, United States District Judge:

Pro se Plaintiff Yelena Antipova brought this medical malpractice action in September 2021. Dkt. 2. She died in January 2024. *See* Dkt. 107. By Order dated July 19, 2024, the Honorable Barbara C. Moses issued a Report and Recommendation on two motions to dismiss that were referred to her, recommending that the Court dismiss this case without prejudice either under Federal Rule of Civil Procedure 25(a)(1) or alternatively under Federal Rule of Civil Procedure 41(b). Dkt. 119 (“R&R”); *see* Dkts. 114, 118 (referral orders).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. R&R at 8. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga Cnty.*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court adopts the Report and Recommendation in its entirety and dismisses this case pursuant to Federal Rule of Civil Procedure 25(a)(1) without prejudice. The Clerk of Court is thus respectfully directed to close this case and enter judgment.

SO ORDERED.

Dated: August 6, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge